

Condominium Act, 1998

CERTIFICATE IN RESPECT OF A BY-LAW

(under subsection 56(9) of the *Condominium Act, 1998*)

York Condominium Corporation No. 323 (known as the "Corporation") certifies that:

1. The copy of By-law No. 13 attached hereto as Schedule "A", is a true copy of the By-law.
2. The By-law was made in accordance with the *Condominium Act, 1998*.
3. *(Please check the statement that applies)*

The owners of a majority of the units in the Corporation have voted in favour of confirming the by-law with or without amendment (if clause 56 (10)(a) of the *Condominium Act, 1998* applies but subsection 14 (2) of Ontario Regulation 48/01 does not apply).

The majority of the owners present or represented by proxy at a meeting of owners have voted in favour of confirming the by-law with or without amendment (if clause 56 (10)(a) of the *Condominium Act, 1998* and subsection 14 (2) of Ontario Regulation 48/01 applies).

The by-law is a joint by-law made under section 59 of the *Condominium Act, 1998* and is not effective until the corporation that made it, being _____, have each registered a copy of the joint by-law in accordance with subsection 56 (9) of the *Condominium Act, 1998*.

Dated this ____ day of _____, 202__.

**YORK CONDOMINIUM
CORPORATION NO. 323**

Per:

Name:
Title:

Per:

Name:
Title:
(I/We have authority to bind the Corporation)

BY LAW NO. 13

**YORK CONDOMINIUM CORPORATION NO. 13
(the "Corporation")**

A BY-LAW TO PERMIT ELECTRONIC VOTING AND PRESENCE

WHEREAS section 56(1)(q) of the *Condominium Act, 1998* (the "**Act**") and section 14(0.1)(p) of O. Reg. 48/01 thereunder permit the Corporation to pass a by-law governing the manner in which an owner or a mortgagee may be present at a meeting of owners or represented by proxy;

AND WHEREAS section 52(1)(b)(iii) of the Act allows owners to vote by telephonic or electronic means if the by-laws so permit;

AND WHEREAS section 14 of Ontario Regulation 48/01 made under the Act allows a corporation to pass a by-law to govern the manner in which an owner or mortgagee may be present at a meeting of owners or represented by proxy;

AND WHEREAS the Board of Directors of the Corporation wishes to allow owners to attend meetings electronically and to vote by telephonic or electronic means;

NOW THEREFORE BE IT ENACTED as a By-law of the Corporation as follows:

ARTICLE 1 – VOTING

Where any previous by-law of the Corporation is inconsistent or in conflict, in whole or in part, with this By-law No. 13, the provisions of this By-law No. 13 shall govern with regard to such inconsistency or conflict.

A. Methods of Being Present and Voting

- (a) Any person entitled to be present at any meeting of the owners may attend either:
 - (i) in person, if provision has been made for in-person attendance;
 - (ii) by proxy;
 - or (iii) by telephonic or electronic means (being any means that uses the telephone or any other electronic or other technological means to transmit information or data, including but not limited to: telephone calls, video conferencing and computer or web-based platforms or networks) ("**Electronic Meeting**"), if an Electronic Meeting has been approved by a resolution of the Board and subject to the procedures approved by the Board, and such attendee shall be deemed to be present at the meeting for the purposes of constituting a quorum for the transaction of business at the meeting and for all other purposes;

- (b) At any meeting of the owners, any question to be determined may be decided by:
 - (i) a show of hands or by ballot, if provision has been made for in-person attendance;
 - (ii) by proxies; and/or
 - (iii) by votes submitted to the Corporation by telephonic or electronic means (being any means that uses the telephone or any

other electronic or other technological means to transmit information or data, including but not limited to: telephone calls, video conferencing, fax, e-mail, automated touch-tone telephone system, web-based platforms, computer or computer networks) ("**Electronic Voting**"), if Electronic Voting has been approved by a resolution of the Board and subject to the procedures approved by the Board. Any person who submits his/her vote by Electronic Voting shall be deemed to be present at the meeting for the purposes of constituting a quorum for the transaction of business at the meeting and for all other purposes;

- (c) Notwithstanding anything contained in the Corporation's by-laws, proxies may, in addition to being submitted in person, be submitted electronically to the Corporation and in accordance with requirements imposed by the Board, acting reasonably, to ensure the authenticity of the proxy and compliance with the Act, the *Electronic Commerce Act, 2000*, S.O. 2000, c. 17, as amended, and any other authority.

The Corporation hereby enacts the foregoing By-law passed by the Board and confirmed by a vote of a majority of owners present or represented by proxy at a meeting of owners, in accordance with the Act.

DATED this ____ day of _____, 202__.

**YORK CONDOMINIUM CORPORATION
NO. 323**

Per:

Name:
Title:

Per:

Name:
Title:
I/We have the authority to bind the
corporation